



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.3262 of 2021
and
W.M.P.No.3709 of 2021

E.Kala
W/o Elumalai,
No.48, Kundumedu,
Adi Dravidar Colony
Thirumilizai, Poonamallee Taluk,
Thiruvallur District.

...Petitioner

Vs.

1. The District Collector,
Thiruvallur District.
2. The Assistant Director,
Land Survey and Records Department,
District Collector Office,
Thiruvallur, Thiruvallur District.
3. The Special Tahsildar,
Adi Dravidar Welfare,
Sriperumbudur,
Chengalpattu District.
4. The Special Tahsildar,
Adi Dravidar Welfare,
Ponneri Kottam,
Thiruvallur District.
5. Kuruvatta Land Surveyor,
Thirumazhisai, Kuruvattam,
Poonamallee,
Thiruvallur District.

6. V.Munusamy
7. M.Amutha
8. S.Gopu

...Respondents



WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 2, 4 and 5 to remove the encroachment made by the respondents 6 to 8 in the common passage measuring 32 feet (12.0 metre) width and 182 feet (56.0 metre) length meant for the usage of the petitioner and allottees of house site No.44 to 47 and 49 and situated on the eastern side of her house site in S.No.108/2A & 108/3 at No.38 Madavilagam village, Poonamallee Taluk, Thiruvallur District and put the common passage to her use.

For petitioner : Mr.K.Lavan

For respondents : Mrs.Akila Rajendran
Govt. Counsel (for R1 to R5)
Mr.R.Logeswaran (for R6 and R7)
No appearance for R8

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

The petitioner has come up with this writ petition for issuance of a Writ of Mandamus directing the respondents 2, 4 and 5 to remove the encroachment made by the respondents 6 to 8 in the common passage in S.No.108/2A & 108/3 at No.38 Madavilagam village, Poonamallee Taluk, Thiruvallur District.

2.The learned counsel for the petitioner Mr.K.Lavan would state that a public street has been encroached by the private respondents. Despite representation, the encroachment has not been removed so far.

3.The learned Government Counsel appearing for the respondents 1 to 5 Mr.Akila Rajendran would state that the authorities have already confirmed the encroachment made in the public street and after the Panchayat election, which is scheduled to be held on 09.10.2021, the encroachment would be removed.

4.In the light of the above statement of the learned Government Counsel appearing for the official respondents, this Court without going into the merits of the matter, directs the fourth respondent to take appropriate action on the representation of the petitioner and remove the encroachment, after providing opportunity of hearing to all the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.



5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

skn

To

1. The District Collector,
Thiruvallur District.
2. The Assistant Director,
Land Survey and Records Department,
District Collector Office,
Thiruvallur, Thiruvallur District.
3. The Special Tahsildar,
Adi Dravider Welfare,
Sriperumbudur,
Chengalpattu District.
4. The Special Tahsildar,
Adi Dravidar Welfare,
Ponneri Kottam,
Thiruvallur District.
5. Kuruvatta Land Surveyor,
Thirumazhisai, Kuruvattam,
Poonamallee,
Thiruvallur District.

+1cc to Mr.K.Lavan, Advocate, S.R.No.51087

W.P.No.3262 of 2021
and
W.M.P.No.3709 of 2021

PMK (CO)
RGA (26/10/2021)